

Public Notice

Applicant:

CSX Transportation Inc.

Published: February 3, 2014

Expires: March 5, 2014

U.S. Army Corps of Engineers Buffalo District CELRB-TD-R

Application No: 2013-01246

Section: NY

All written comments should reference the above Application No. and be addressed to:

U.S. Army Corps of Engineers

Attn: Margaret Crawford

US Army Corps of Engineers, Buffalo District

7413 County House Road Auburn, New York 13021

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

Application for Permit under Authority of Section 404 of the Clean Water Act (33 U.S.C. 1344)

APPLICANT: CSX Transportation Inc., 500 Water Street, J275, Jacksonville, Florida 32202

WATERWAY & LOCATION: multiple waters and wetlands located along 1.9 miles of the existing railroad Right-of-Way (ROW) beginning south of State Road 420 in the Village of Massena to Brouse Road in the Town of Norfolk, St. Lawrence County, New York.

LATITUDE & LONGITUDE: Latitude North: 44.90057 Longitude West: -74.89568

EXISTING CONDITIONS: The project traverses the existing CSX ROW. The northern extent of the Project has a surrounding land use of commercial and industrial uses before traversing south through largely undeveloped forested and wetland areas. The Project crosses one public roadway (Brouse Road) and one residential driveway. Dominant vegetation in the Project area is indicative of previous disturbance. The structure of the forest is even-aged and indicative of widespread clearing of the forest that likely occurred 50-75 years ago. Common tree species in the forested areas include black willow (Salix nigra), American elm (Ulmus americana), quaking aspen (Populus tremuloides), gray birch (Betula populifolia), black cherry (Prunus serotina), ash (Fraxinus sp.) and black locust (Robinia pseudoacacia). Other common species include common buckthorn (Rhamnus cathartica), field horsetail (Equisetum arvense), tartarian honeysuckle (Lonicera tatarica), common reed (Phragmites

australis), cattail (Typha angustifolia), rough-stemmed goldenrod (Solidago rugosa), and speckled alder (Alnus rugosa).

Description of delineation of waters of the US: Wetland and waterbody delineations were conducted in October and November 2013. The Corps is currently reviewing the delineation and the request for a Preliminary Jurisdictional Determination. Ten wetlands were delineated in the Project area consisting of a mix of forested (PFO), scrub-shrub (PSS) and emergent (PEM) wetlands. Wetlands W-1, 2 and 3 are relatively small and fragmented wetlands, and the remaining wetlands are part of large expansive wetland complexes that also extend to the west of the mainline. One small intermittent stream was delineated within the Project area and occurs within Wetland W-2

PROPOSED WORK: CSX Transportation Inc. has proposed to construct the Massena Siding Project (Project). The Project includes the construction of approximately 10,000 feet (1.9 miles) of railroad siding to increase the efficiency and fluidity of train traffic on the existing mainline track. Of the 10,000 feet of siding to be installed, 3,000 feet is in existence and will be rehabilitated to meet current design standards. The Project will result in the filling of 3.44 acres of wetlands. Approximately 20 linear feet (less than 0.001 acres) of intermittent stream channel would also be impacted. Note that siding refers to a low-speed section of track that is adjacent to the mainline. As sidings are typically used to stage trains until other trains pass, they need to be located where they will not block the intersections of public roadways or access to private residents and businesses.

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PROJECT PURPOSE Basic: Transportation

Overall: To increase the efficiency and fluidity of freight train traffic on the existing main line (track)

that crosses the Canadian border leading to Valley Field, Quebec.

Water Dependency Determination: The discharge of fill material into wetland for the purpose of constructing the Project is not a water dependent activity because it does not require access or siting within the special aquatic site in question to fulfill its basic purpose. Therefore, practicable alternatives that do not involve special aquatic sites are presumed to be available, unless clearly demonstrated otherwise.

Avoidance and Minimization Information: The applicant explored several alternatives, including the no-build alternative, and suggests that the proposed alternative represents the least environmentally damaging practicable alternative (LEDPA). The Corps is reviewing this analysis as part of the review of the Project. The applicant has noted that the siding will be used primarily to stage trains off of the mainline in order to allow other rail traffic to pass heading in the opposite direction when the mainline is blocked by other freight trains undergoing inspections that occur at the international border. Staging the trains at the siding in Massena will relieve congestion at the border crossing and allow for the safe and efficient operation of the mainline track in the area. The need for the siding in Massena is to relieve congestion at the border crossing and increase the efficiency of operations of the mainline to coincide with eh operations of a new intermodal facility in Valley Field, Quebec, which is expected to be operational in the summer 2014. Intermodal facilities are operated to accommodate the transportation of freight in an intermodal container designed for multiple modes of transportation, without any handling

of the freight itself when changing modes. The method reduces cargo handling, and therefore improves security, reduces damage and loss to freight, and allows freight to be transported faster.

No Build: Traffic on the mainline is scheduled in such a way that trains travelling in opposing directions are not in conflict and one train is not parked on a siding for long durations waiting for the other train to pass throughout the entire length of the mainline. All freight must be inspected when crossing the border and the inspection time can be unpredictable. The uncertainty in the timing of the border crossings presents a challenge to the scheduling and in turn operation of the mainline in the Massena area. Not building the proposed siding will present challenges in scheduling and controlling freight train traffic on the mainline in the vicinity of the border crossing, with the construction of the Valley Field Intermodal Facility which will increase the efficiency on how freight is handled. Without the Project, trains will sit idle for potentially long durations which decreases fuel efficiency and increases greenhouse gas emissions and costs for shipping of freight.

Site Selection: According to the applicant, sidings are sighted according to the following criteria, based on industry wide best practices: needs to be located on the CSX mainline; minimize crossings with intersections with public roads; minimize crossings with access to residences and businesses; and must be of sufficient length to hold the typical maximum length of a freight train on the mainline (in this case 10,000 feet). In this case, the Massena Siding was also sited based upon a 50-mile buffer of the border crossing of the mainline, based upon a reasonable distance from the site of congestion and how the flow of train traffic is managed on the mainline to maintain safety and efficiency. Based upon the above criteria, the Massena site was chosen.

Once the Massena site was selected, four different design concepts were considered:

- 1. Construction on west side of mainline: The construction of the siding on the west side of the mainline was evaluated to avoid changes to the existing siding and the necessary realignments to the Wye track and crossing of Brouse Road. The advantage of this option is that it provided more length of siding than the preferred alternative. The disadvantages include the following: no connection to parts of the railyard from the mainline; required the most amount of land to be acquired to construct; land required for purchase would have included a private residence; and siding would be located on same side of the tracks as the alternative access to the residence on Brouse Road and would provide further encroachment on this adjacent parcel. It is estimated that this alternative would result in approximately 7 acres of wetland impact, partly due to the additional 3,000 feet of additional siding that would need to be constructed.
- 2. Line over west alternative. The applicant evaluated utilizing the existing siding on the eastern side of the mainline. This alternative would impact an estimated 5.5 acres of wetland, and would pose potential interference with current railyard operations.
- 3. Line over west option B alternative. A variation of alternative no. 2 was investigated to relieve potential interference with railyard operations. However, impacts to wetland were still estimated to be 5.5 acres.
- 4. East side alternative (Preferred). The East Side Alternative includes the utilization of 3,000 feet of existing siding and construction of an additional 7,000 feet. This alternative maintains safety setbacks from other facilities and public road crossings; requires less new track work; provides access to

many parts of the railyard; requires the least amount of land acquisition; is the least expensive alternative; and impacts the least amount of wetland.

Project refinement: The East side alternative was further refined as follows:

- -2:1 side slopes on the shoulder of the ballast and fill material;
- -2:1 side slopes on the 12-foot wide access road
- -use of the siding base and ballast material as access roads during construction to avoid need for additional temporary impacts;
- -use of a design incorporating geotech fabric and stone to avoid water pooling against the fill used in wetlands to maintain existing surface hydrology; and
- -extension of existing culverts and bridges to maintain existing surface hydrology.

Proposed Mitigation: To mitigate for the proposed impacts, the applicant has proposed to purchase In-Lieu-Fee credits from Ducks Unlimited, at a 1.25:1 ratio, in the Eastern St. Lawrence River Service Area.

Location and details of the above described work are shown on the attached maps and drawings.

Comments or questions pertaining to the work described in this notice should reference the Application Number and be directed to the attention of Margaret Crawford, who can be contacted at the above address, by calling (315) 704-0256, or by e-mail at: margaret.a.crawford@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

The applicant has certified that the proposed activity complies with New York's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program. General Concurrence was issued by the New York State Department of State for this work on March 27, 2006 (DOS reference number F-2005-1059). Any comments on the consistency of the proposed activity with New York State's Coastal Zone Management Program should be forwarded to:

New York Department of State Division of Coastal Resources Coastal Management Program One Commerce Plaza 99 Washington Avenue Albany, NY 12231 Attn: Consistency Review Telephone (518) 486-3200

The following authorization is required for this project:
Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation (NYSDEC).

The project permit area is located within an archaeologically sensitive area as identified by the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP). This notice constitutes

initiation of consultation with the NYSOPRHP per Section 106 of the National Historic Preservation Act. The applicant is providing the NYSOPRHP with additional data requested, under Project Review No. 13PR05746. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward that information to the NYSOPRHP for their review.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers is consulting, under separate cover, with the USFWS to evaluate any potential impacts to the Indiana bat (*Myotis sodalis*) and to ensure that the proposed activity is not likely to jeopardize their continued existence or result in the destruction or adverse modification of critical habitat.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general

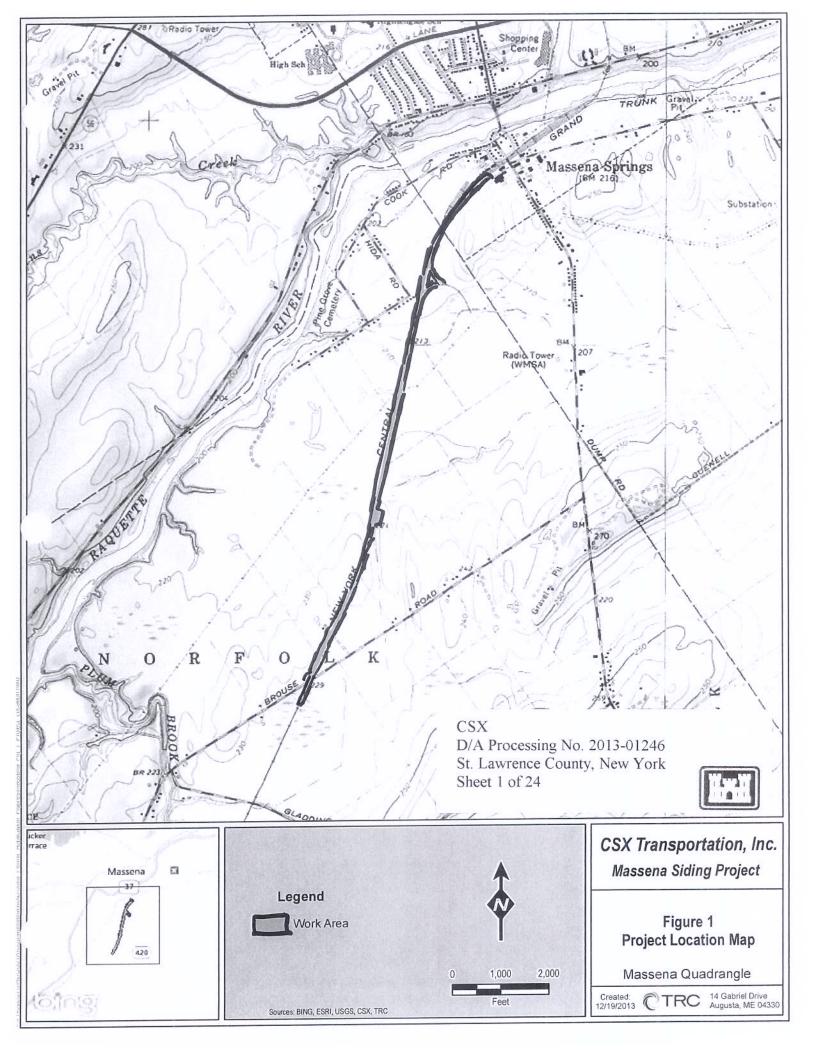
the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

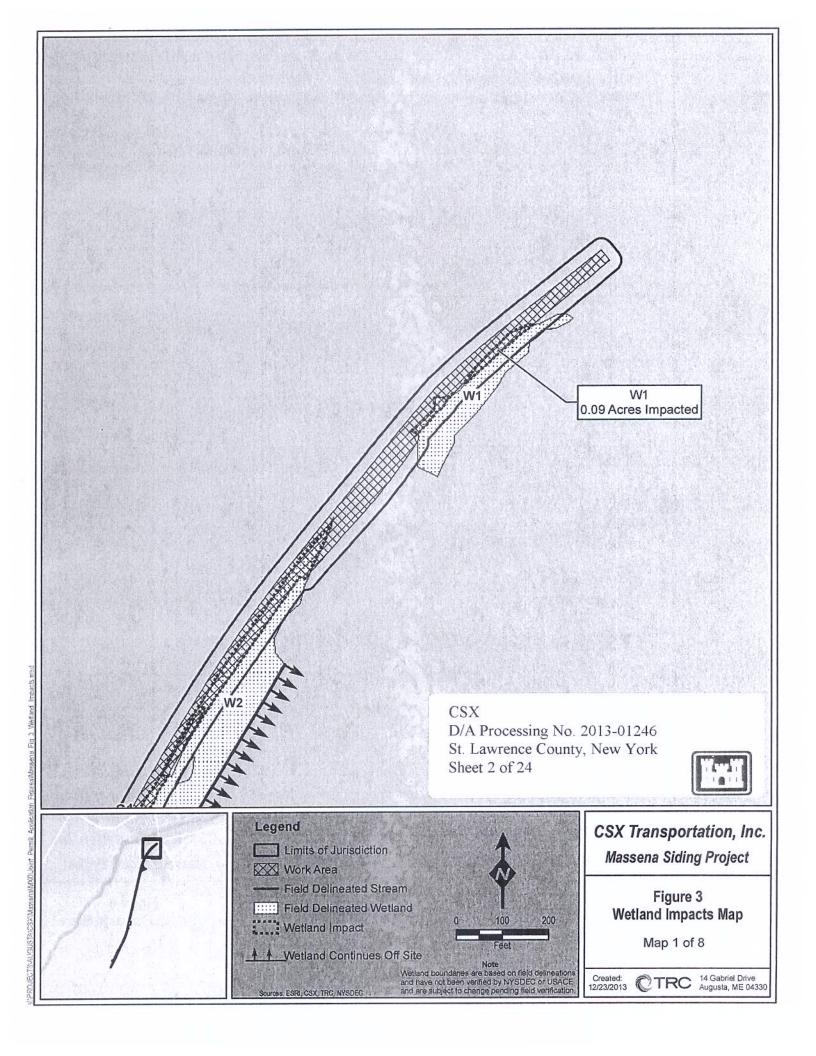
The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

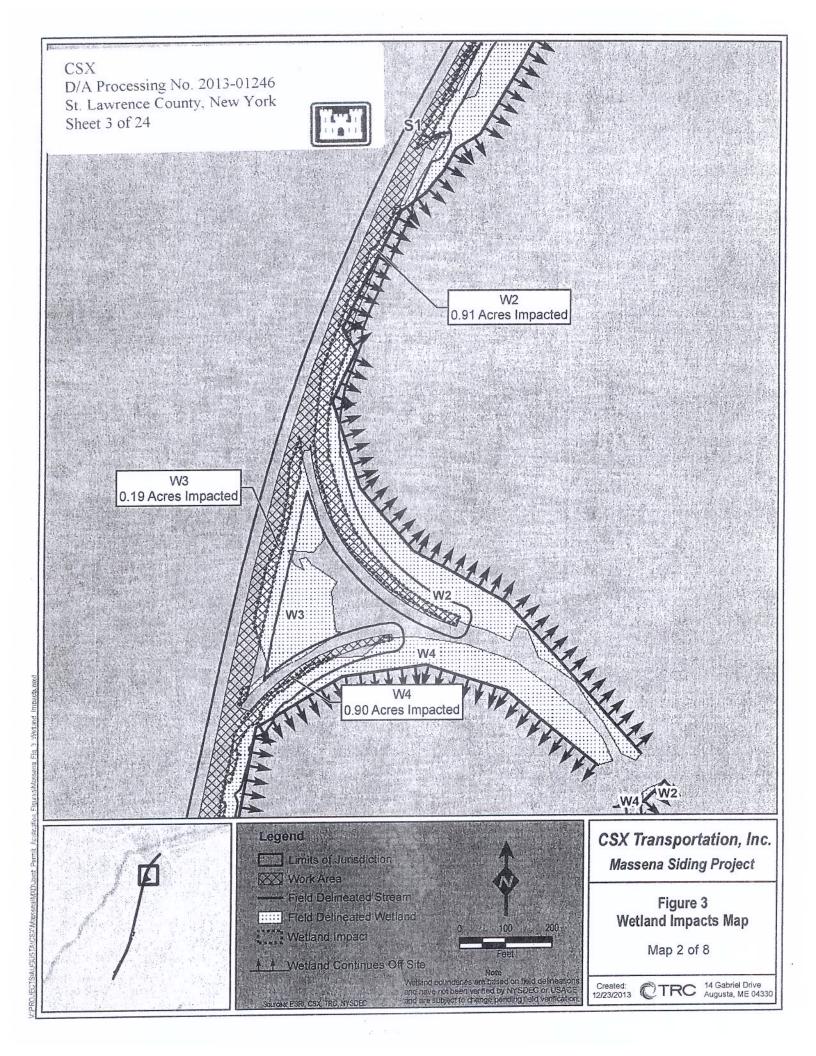
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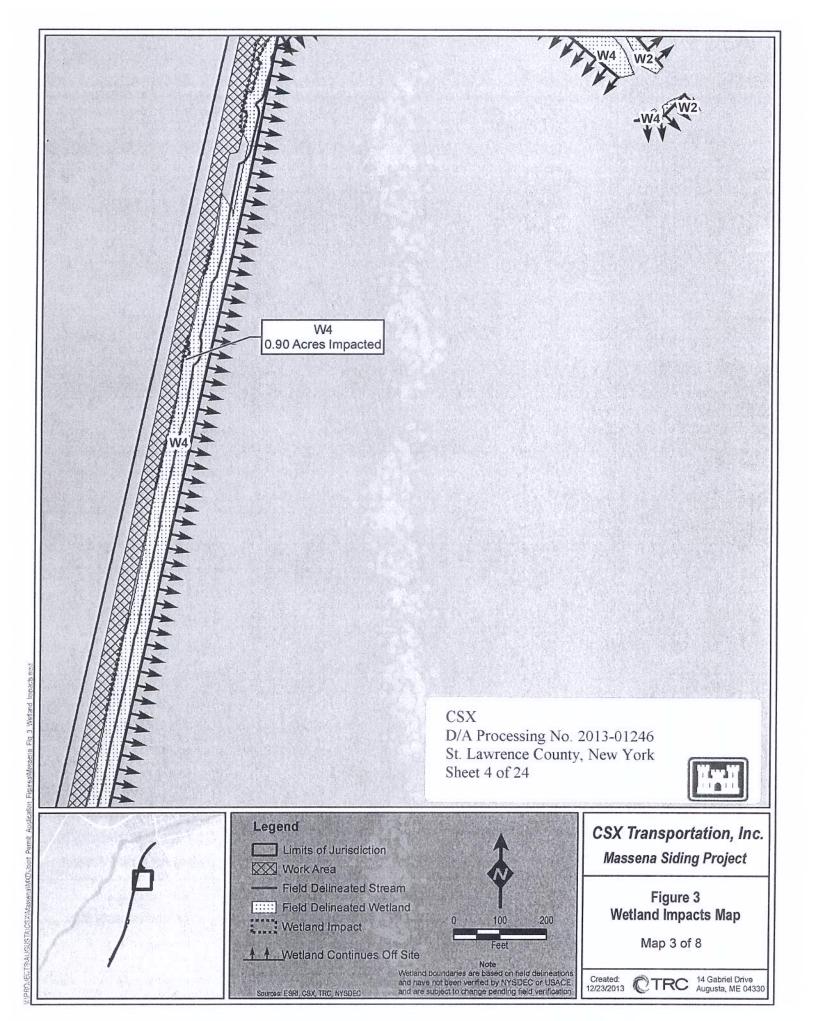
Diane C. Kozlowski Chief, Regulatory Branch

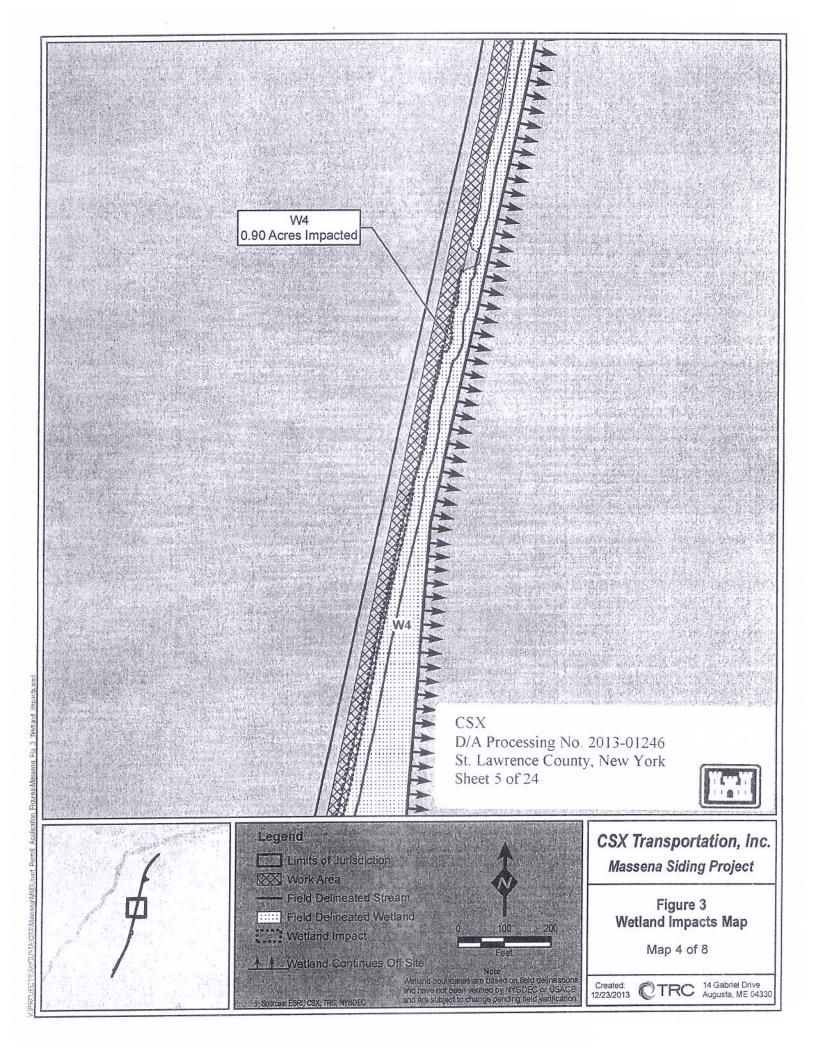
NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

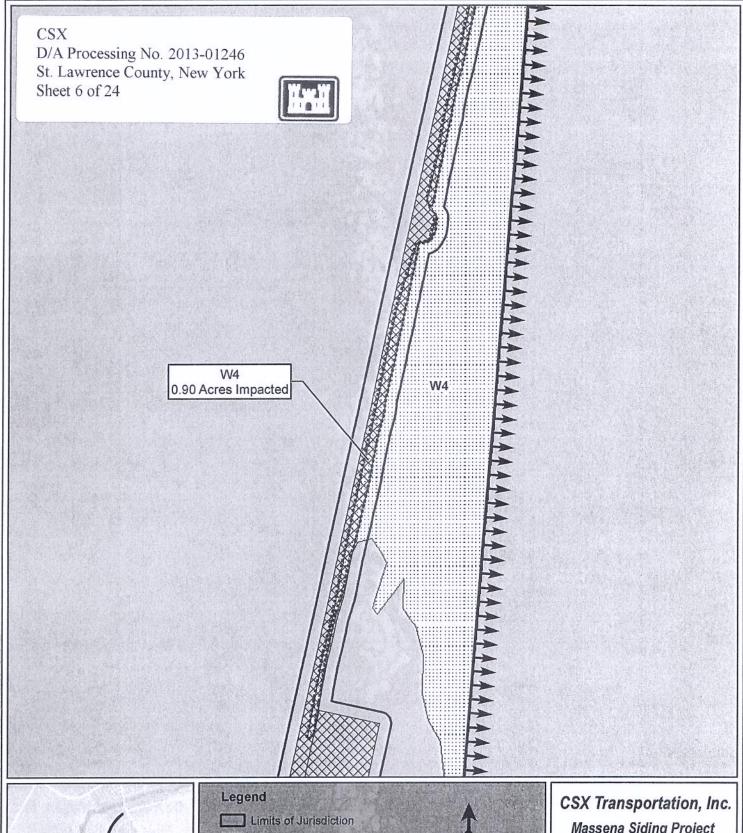


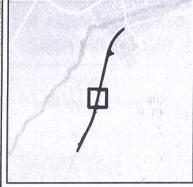


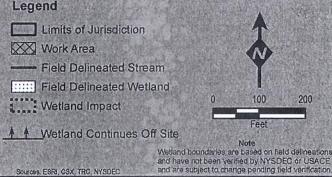












Massena Siding Project

Figure 3 Wetland Impacts Map

Map 5 of 8

Created: 12/23/2013



TRC 14 Gabriel Drive Augusta, ME 04330

